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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/782,209	02/19/2004	Bhavani Raghuraman	60.1564	5371	
	590 09/18/2007 SER-DOLL RESEARCH ECTUAL PROPERTY LAW DEPARTMENT	EXAM	EXAMINER		
	ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT		GAKH, YI	GAKH, YELENA G	
P.O. BOX 4250 CAMBRIDGE,	· · <del>-</del>		ART UNIT	PAPER NUMBER	
		ART UNIT			
			MAIL DATE	DELIVERY MODE	
			09/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	<del></del>	Application No.	Applicant(s)			
		10/782,209	RAGHURAMAN ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Yelena G. Gakh, Ph.D.	1743			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period we are to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  6(a). In no event, however, may a reply be tir  will apply and will expire SIX (6) MONTHS from  cause the application to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).			
Status			·			
1)⊠	Responsive to communication(s) filed on 19 Fe	ebruary 2004.	•			
·		action is non-final.				
3)						
	closed in accordance with the practice under $\boldsymbol{\mathcal{E}}$	x parte Quayle, 1935 C.D. 11, 49	53 O.G. 213.			
Dispositi	ion of Claims		·			
4)⊠	Claim(s) <u>1-55</u> is/are pending in the application.		•			
	4a) Of the above claim(s) is/are withdrawn from consideration.					
	Claim(s) is/are allowed.					
	Claim(s) is/are rejected.					
7)	Claim(s) is/are objected to.					
8) Claim(s) 1-55 are subject to restriction and/or election requirement.						
Applicati	ion Papers					
	The specification is objected to by the Examiner					
	•		Evaminor			
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the correcti					
11)	The oath or declaration is objected to by the Ex		• • • • • • • • • • • • • • • • • • • •			
	under 35 U.S.C. § 119					
•	•					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a)(	a) All b) Some * c) None of:					
<ul> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> </ul>						
	3. Copies of the certified copies of the priori					
	application from the International Bureau		od in this National Stage			
* See the attached detailed Office action for a list of the certified copies not received.						
		•				
Attachmen	t(s)		•			
	e of References Cited (PTO-892)	4) Interview Summary				
	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P				
	r No(s)/Mail Date	6) Other:				

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## DETAILED ACTION

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-9, drawn to a fluid analyzer for determining pH, classified in class 422, subclass 224.
  - II. Claims 10-43, drawn to a method of making a reagent mixture for determining pH of a sample, classified in class 436, subclass 166.
  - III. Claims 44-55, drawn to a method for determining pH of formation fluid, classified in class 436, subclass 28.
- A. The inventions are distinct, each from the other because of the following reasons:

Inventions II-III and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method of making a reagent mixture for determining pH of a sample is not related to any downhole measurements of the formation fluid, and therefore does not require any special means for mixing the reagent mixture and the formation fluid (Group II); the apparatus of Group I can be practiced with a method, which does not apply any analytical technique to the mixture of the formation with the reagents (Group III).

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different designs, modes of operation and effects. While the invention of Group II is directed toward optimizing a reagent mixture to satisfy a predetermined pH range for a solution, the invention of Group III is directed toward analyzing optical density of the mixture of a formation fluid and a reagent mixture, which requires a totally different experimental set-up and yields different results.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the

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inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

B. This application contains claims directed to the following patentably distinct species: the reagent mixture capable of detecting a pH range broader than each reagent individually (Claims 1-5 and 10-26) and the reagent mixture capable of detecting pH at a higher accuracy than each reagent individually (Claims 1-5 and 27-43). The species are independent or distinct because according to the claims recitation the mixtures comprise different reagents, which requires different search for such reagents.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

A telephone call was made to Vincent P. Loccisano on 09/17/07 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and

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specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yelena G. Gakh, Ph.D. whose telephone number is (571) 272-1257. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.